IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 4438 OF 2007

DATED: 06-03-2007

Between:

The Depot Manager,
APSRTC, Rayadurg, Anantapur dist petitioner

And

Sri S.B.Saheb & another Respondents

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THE HON'BLE SRI JUSTICE N.V.RAMANA

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WRIT PETITION NO. 4438 OF 2007

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ORAL ORDER:

The present writ petition is filed seeking a writ of Certiorari to call for the records relating to the award passed by the Labour Court, Anantapur in I.D. No. 295 of 2003 and quash the same by the management of APSRTC.

The first respondent herein is concerned workman, working in the respondent corporation as conductor. While so, he was issued with a charge sheet dated 10-11-1998 alleging unauthorised absence

from 24.9.1998. An ex-parte enquiry was conducted and the enquiry officer submitted a report dated 8-2-1999 holding that the charge alleged against the first respondent is proved. Thereafter, a show cause notice of removal from service was issued to the first respondent on 22-3-1999 and ultimately by order dated 22-3-1999 he was removed from service. The first respondent filed an appeal and the same was rejected by order dated 11.2.2003. Thereafter the first respondent raised an industrial dispute under section 2-A (2) of the industrial disputes Act. The Labour Court on consideration of the matter, allowed the petition and passed an award setting aside the removal order dated 22-3-1999 and ordered for reinstatement into service with 50% backwages. Questioning the said award, the present writ petition is filed by the management of APSRTC.

Heard learned counsel for petitioner, learned Standing Counsel for respondent corporation and perused the award under challenge.

The parameters and scope of judicial review of this Court under Article 226 of the Constitution of India to issue a writ of Certiorari are limited to—firstly to correct errors of jurisdiction when the inferior Court or Tribunal acts without jurisdiction or in excess or fails to exercise it, secondly correct errors of law apparent on the face of the record, and thirdly correct and interfere with the findings that are based on suspicion, conjectures or surmises or no reason. The law is well settled that this Court does not act as an appellate authority and reappraise the evidence while exercising certiorari jurisdiction. It is within these parameters, the impugned award of the Labour Court, is to be examined.

In **DIVISIONAL CONTROLLER, KSRTC (NWKRTC) Vs. A.T.MANE** [1], the Apex Court held that once a domestic tribunal based on evidence comes to a particular conclusion, normally it is not open to the appellate tribunals and Courts to substitute their subjective opinion in the place of the one arrived at by the domestic tribunal.

The Labour Court having regard to the contentions raised by both the parties and the material documents held that the workman has been intended to be victimized though suffering from ill-health and removed from service which is nothing but unfair labour practice. The Labour Court also held that the workman-first respondent herein was not given any opportunity to defend his case and without even serving a charge sheet he was straightaway held the charge as proved. The said findings were recorded taking into consideration the evidence available on record and the petitioner/management has not made out a case warranting interference of this Court.

For the foregoing reasons, the petitioner has not made out any case for interference of this Court in exercise of its certiorari jurisdiction under Article 226 of the Constitution of India. The writ petition fails and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

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N.V.RAMANA,J

6.3.2007

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[1] 2005 (3) SCC 254